

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:09-CR-58-D
No. 7:11-CV-139-D

BOBBY WAYNE WILKINS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

On August 29, 2014, Bobby Wayne Wilkins (“Wilkins”) filed a motion under Rule 60(b)(6) concerning the court’s order of April 18, 2013, which denied relief under 28 U.S.C. § 2255. [D.E. 57]; see also United States v. Wilkins, 541 F. App’x 272 (4th Cir. 2013) (per curiam) (unpublished).

Wilkins’s Rule 60(b) motion presents nothing new and lacks merit. See, e.g., Whiteside v. United States, No. 13-7152, 2014 WL 7245453 (4th Cir. Dec. 19, 2014) (en banc). Moreover, Wilkins has not received authorization from the United States Court of Appeals for the Fourth Circuit to file his Rule 60(b)(6) motion. Thus, the court lacks jurisdiction to consider it. See United States v. Winestock, 340 F.3d 200, 206–07 (4th Cir. 2003).

In sum, Wilkins’s motion for relief under Rule 60(b)(6) [D.E. 57] is DISMISSED. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c).

SO ORDERED. This 12 day of January 2015.


JAMES C. DEVER III
Chief United States District Judge